

A RESOLUTION

03-*R*-0828

BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A TEMPORARY RIGHT OF ENTRY AND USE AGREEMENT WITH API-SAA COMPANY (TENANT) AND BANK OF AMERICA, N. A. (SUBTENANT), TO SUPPORT THE CONSTRUCTION AND USE OF THE MAINTENANCE OF TRAFFIC LANES IN SUPPORT OF THE I-285 BRIDGE STRUCTURES PROJECT, ON BEHALF OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City owns certain property consisting of approximately 9.47 acres situated in Clayton County, Georgia at 1075 South Loop Road, College Park, Georgia 30337 (the "Property"); and

WHEREAS, Tenant is the successor in interest to Southern Airways, Inc. under that certain Agreement and Lease of Premises for Southern Airways, Inc. General Office Complex at William B. Hartsfield Atlanta International Airport (the "Lease Agreement") by and between the City of Atlanta, as Lessor, and Southern Airways, Inc. as Lessee, dated August 25, 1976 whereby Tenant leased the Property for an initial term of 30 years ending October 9, 2007 for an annual rent of \$25,000.80; and

WHEREAS, Subtenant is the successor by merger and name change to Bank South, N.A. under that certain Sublease by and between Tenant, as sublandlord, and Subtenant, as subtenant, dated August 31, 1976; and

WHEREAS, the City is in the process of building a fifth runway (the "Fifth Runway") at the Hartsfield Atlanta International Airport (the "Airport"). The Fifth Runway and related taxiway will cross I-285. The City has contracted with Archer Western Contractors, Ltd, under FC-7319-01 to design and build the bridge structures for the Fifth Runway and related taxiway over I-285. As part of the Bridge Structures Project, Archer Western Contractors is required to construct temporary lanes for vehicular traffic along the westbound lanes of I-285 behind the Property. The temporary lanes will encroach on the Property and Archer Western Contractors will divert traffic onto those temporary lanes during construction of portions of the Bridge Structures Project; and

WHEREAS, the Fifth Runway involves the placement of embankment material to support the runway, and the City has contracted with 5R Constructors, LLC for the conveyance and placement of the embankment material under FC-7242-00. 5R Constructors is using an elevated conveyor system to move the embankment materials to the site. The conveyor system is being relocated during the summer of 2003, to enable construction of the I-285 Bridge Structures Project and the route for the relocated conveyor crosses the back portion of the Property; and

WHEREAS, the back portion of the Property is needed for the temporary traffic lanes and the conveyor for approximately three (3) years during the construction of the Fifth Runway and the Bridge Structures Project; and

WHEREAS, Tenant, Subtenant and the City have reached an agreement that permits the City to have temporary right of entry and exclusive use of portions of the Property necessary for these construction purposes in return for an agreed reduction in the annual rent paid by Tenant on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute on behalf of the City an Agreement providing a Temporary Right of Entry and Use of portions of the Property owned by the City and leased to API-SAA and be compensated for such by a reduction in the annual rent or an equivalent lump sum payment.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare an appropriate contractual agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that this agreement shall not become binding on the City and the City shall incur no liability upon same until such contract has been executed by the Mayor and delivered to the API-SSA Company.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: Mr. Maudlin

From: Originating Dept. Aviation

Committee of Purview: TC

Committee Meetings: 05/28/03

Contact: Anita Williams 404-530-6600

Committee Deadline: 05/16/03

City Council Meeting: 06/02/03

CAPTION:

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A TEMPORARY RIGHT OF ENTRY AND USE AGREEMENT WITH API-SAA COMPANY (TENANT) AND BANK OF AMERICA, N. A. (SUBTENANT), TO SUPPORT THE CONSTRUCTION AND USE OF THE MAINTENANCE OF TRAFFIC LANES IN SUPPORT OF THE I-285 BRIDGE STRUCTURES PROJECT, ON BEHALF OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION:

The construction of Runway 10-28 will require the construction of two bridge structures over Interstate 285. In order to construct these bridges, Interstate 285 traffic will be shifted west of the existing roadway so that no bridge construction occurs over traffic lanes. This shift of traffic will require temporary access onto City of Atlanta property currently leased to the Bank of America.

FINANCIAL IMPACT: Positive

SOURCE: N/A

Fund Account Center numbers and availability of funds verified by Financial Analyst, Tracy Curry

Mayor's Staff Only:

Received by Mayor's Office: 5-13-03 (Date) RP Reviewed: [Signature] (Initials) _____ (Date)

Submitted to Council: _____

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other